

2015 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE SCHEXNAYDER

1 AN ACT

2 To amend and reenact R.S. 40:2199(F)(1) and to enact R.S. 40:2199(G), relative to fines and
3 penalties collected from home health agencies; to provide for an exception in
4 deposits into the Healthcare Facility Fund; to provide for the creation of the Home
5 Health Agency Trust Fund; to provide for deposits into the fund; to provide for uses
6 of the fund; to provide for transfers into the fund; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2199(F)(1) is hereby amended and reenacted and R.S. 40:2199(G)
9 is hereby enacted to read as follows:

10 §2199. Violations; penalties; fines; notice; hearings; appeal; licensed entities

11 * * *

12 F.(1) ~~After~~ Except as provided in Subsection G of this Section, after
13 compliance with the requirements of Article VII, Section 9(B) of the Constitution of
14 Louisiana relative to the Bond Security and Redemption Fund and prior to the
15 monies being placed in the state general fund, an amount equal to the civil fines
16 collected under the provisions of this Section shall be credited to a special fund
17 created in the state treasury to be known as the "Health Care Facility Fund",
18 hereinafter referred to as "the fund".

19 * * *

20 G.(1) After compliance with the requirements of Article VII, Section 9(B)
21 of the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
22 and prior to monies being placed in the state general fund, an amount equal to the
23 civil fines collected from home health agencies under the provisions of this Section
24 and civil fines and monetary penalties imposed or levied by the Centers for Medicare
25 and Medicaid Services against home health agencies and remitted to the state shall
26 be credited to a special fund hereby created in the state treasury to be known as the

1 "Home Health Agency Trust Fund", hereinafter referred to as the "HHA Trust Fund".
 2 The monies in the HHA Trust Fund shall be invested by the treasurer in the same
 3 manner as monies in the state general fund and all interest earned from the
 4 investment of the monies in the HHA Trust Fund shall be deposited to and remain
 5 to the credit of the HHA Trust Fund. All unexpended and unencumbered monies
 6 remaining in the HHA Trust Fund at the close of the fiscal year shall remain in the
 7 HHA Trust Fund.

8 (2) The monies in the HHA Trust Fund shall be subject to annual
 9 appropriation and shall be used solely in accordance with the provisions of 42 CFR
 10 Part 488 and subject to approval by the Centers for Medicare and Medicaid Services.

11 (3) The treasurer shall transfer an amount equal to any civil fines or penalties
 12 from home health agencies remitted to the state by the Centers for Medicare and
 13 Medicaid Services prior to the creation of the HHA Trust Fund into the HHA Trust
 14 Fund after the effective date of this Act.

15 (4) The secretary of the Department of Health and Hospitals is authorized
 16 to promulgate rules in accordance with the Administrative Procedure Act to provide
 17 for the administration of the HHA Trust Fund.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____